



1656 JFV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 97,195-P)

In re Application of: )  
Burg, et al. )  
Serial No.: 09/901,181 ) Examiner: TBA  
Filed: July 9, 2001 ) Art Unit: 1656  
For: Nucleic Acid Assays )

TRANSMITTAL LETTER

Asst. Commissioner for Patents  
Washington, D.C. 20231

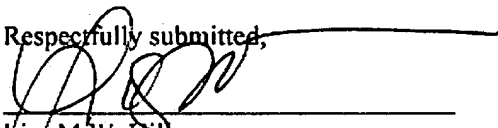
Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Second Supplemental Information Disclosure Statement;
  - b) PTO Form 1449 citing 50 references;
  - c) Return postcard
2. With respect to fees:  
No fee is due at this time.
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on February 4, 2005.

Date: February 4, 2005

Respectfully submitted,

  
Lisa M.W. Fithman  
Registration No. 43,673

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 97,195-P)**

<b>In the Application of:</b>	<b>Burg et al.</b>	)	
		)	
<b>Serial No.:</b>	<b>09/065,914</b>	)	<b>Examiner: TBA</b>
		)	
<b>Filed:</b>	<b>July 9, 2001</b>	)	<b>Art Unit: TBA</b>
		)	
<b>For:</b>	<b>NUCLEIC ACID ASSAYS</b>	)	

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-99, the applicants wish to make the following references of record in the above-identified application. The references are listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

The Office has waived the requirement under 37 C.F.R. §1.98 (a)(2)(iii) for submitting a copy of the pending U.S. application that is stored in the USPTO IFW system. In accordance with this waiver, cited U.S. patent application publications marked with "\*\*\*" are not enclosed. Additionally, references marked with "\*\*\*" are U.S. patent publications that not required to be submitted. In accordance with Rule 37 CFR §1.98(d), those references marked with an "\*" have been previously cited and submitted

to the Patent and Trademark Office with the the parent applications to which this application claims priority. Therefore, copies are not enclosed.


In judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently present claims. This statement is not a representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. §§102 or 103.

Applicants do not believe any fee is due with this submission. If this belief is in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. §1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,

Date: 2-4-05

By:

  
Lisa M.W. Hillman, Ph.D  
Reg. No. 43,673

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

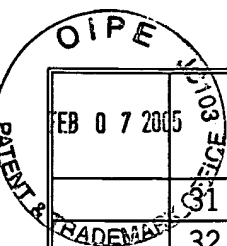
Applicant: Burg et al.

Filing Date: July 9, 2001

Group: 1656

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date
	1	*5,122,284	6/16/92	Braynin et al.	210	782	
	2	*5,437,990	8/1/95	Burg et al.	435	91.7	
	3	*5,554,516	9/10/96	Kacian et al.	435	91.21	
	4	*5,457,027	10/10/95	Nadeau et al.	435	6	
	5	*5,510,084	4/23/96	Cros et al.	422	104	
	6	*5,489,653	2/6/96	Charles et al.	525	327.5	
	7	*4,581,333	4/8/96	Kourilsky et al.	436	6	
	8	*5,026,566	6/25/91	Roser et al.	426	443	
	9	*4,891,319	1/2/90	Roser et al.	435	188	
	10	*4,457,916	7/3/84	Hayashi et al.	424	101	
	11	*4,762,857	8/9/88	Bollin, Jr. et al.	514	777	
	12	*5,098,893	3/24/92	Franks et al.	514	54	
	13	*5,587,128	12/24/96	Wilding, et al.	422	50	
	14	*5,645,801	07/08/97	Bouma, et al.	422	68.1	
	15	*5,498,392	03/12/96	Wilding, et al.	422	68.1	
	16	*5,780,273	07/14/98	J. Lawrence Burg	435	91.31	
	17	**6,060,288	5/9/00	Adams et al.	435	91.2	
	18	**5,395,521	3/7/95	Jagadeeswaran	210	198.2	
	19	**5,804,384	9/8/98	Muller et al.	435	6	
	20	**5,229,297	7/20/93	Schnipelsky et al.	436	94	
	21	**5,219,727	6/15/93	Wang et al.	435	6	
	22	**6,277,638	8/21/01	Stemmer	435	440	
	23	**5,786,182	7/28/98	Catanzariti et al	435	91.1	
	24	**5,457,027	10/10/95	Nadeau et al.	435	6	
	25	**6,528,632	3/4/03	Catanzariti et al.	536	23.1	
	26	**09/586,546	3/4/03	Catanzariti et al.	536	23.1	
	27	**6,300,068	10/9/01	Burg et al.	435	5	
	28	**09/245,569	2/5/99	Burg			
	29	**6,558,901	5/6/03	Catanzariti et al.	435	6	
	30	**6,586,234	2/5/99	Burg, et al.			



# **FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Subclasses	Translation	
						Yes	No
31	*WO 87 00196	1/15/87	PCT				
32	*WO 89 00290	1/12/89	PCT				
33	*WO 93 21346	10/28/93	PCT				
34	*WO 89 00012	1/12/89	PCT				
35	*WO 95 33488	12/14/95	PCT				
36	*WO 93 00806	1/21/93	PCT				
37	*WO 89 06542	7/27/89	PCT				
38	*DE 195 03 685 A	1/8/96	Germany				
39	*EP 0 623 682 A		Europe				
40	*EP 0 622 464 A		Europe				

## **OTHER DOCUMENTS - Including Author, Title, Date, Pertinent Pages, Etc.**

41	*Ramanujam et al. (1993) "Ambient-Temperature-Stable Molecular Biology Reagents" <i>Biotechniques</i> 14 (3): 470-472, 474-475.
42	*Colaco et al., (1992) "Extraordinary Stability of Enzymes Dried in Trehalose: Simplified Molecular Biology" <i>Bio/Technology</i> 12: 1007-1011.
43	*Franks (1994) "Long-Term Stabilization of Biologicals" <i>Bio/Technology</i> 12:253-256.
44	*Hermanson (1996) <i>Bioconjugate Techniques</i> (Academic Press, San Diego) pp.666-667.
45	*Urdea et al. (1988) "A Comparison of non-radioisotopic hybridization assay methods using fluorescent, chemiluminescent and enzyme labeled synthetic oligodeoxyribonucleotide probes" <i>Nucleic Acids Research</i> 16(11): 4937-56
46	*P. Allibert, et al. (1992) "Automated Detection of Nucleic Acid Sequences of HPV 16, 18 and 6/11," <i>RBM</i> , 14.3, p.152-155.
47	*Mabilat, et al. "Routine Identification of Mycobacterium Tuberculosis Complex Isolates by Automated Hybridization", <i>Journal of Clinical Microbiology</i> , Vol. 32, No. 11, Nov. 1994, p. 2702-2705.
48	*Kox et al., "Microwell hybridization Assay for Detection of PCR Products from M. tuberculosis Complex and the Recombinant M. smegmatis Strain 1008 Used as an Internal Control. <i>J. Clin. Microbiol.</i> 34:2117 (1996).
49	*Wang et al., "Quantitation of mRNA by the polymerase chain reaction." <i>PNAS</i> 86:9717 (1989).
50	*English Translation for DE 195 03 685 A1

<b>Examiner</b>	<b>Date Considered</b>
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.